BOARD OF DIRECTORS

AIR POLLUTION CONTROL DISTRICT COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Wednesday, March 23, 2005

The Air Pollution Control District Board of the County of San Luis Obispo, met in regular session at 9:00 a.m..

PRESENT: Directors K.H. 'Katcho' Achadjian, Joe Costello, David Ekbom, John Ewan, Arlene

Gonzales-Gee, James Heggarty, Jerry Lenthall, James Patterson, Bill Peirce, and

Vice Chairperson Tom O'Malley,

ABSENT: Directors Shirley Bianchi, Chairperson Harry L. Ovitt

SUM AGN

1 A-1 Thereafter, on motion of Director Achadjian, seconded by Director Ewan and on the following roll call vote:

AYES: Directors Achadjian, Ewan, Costello, Ekbom, Gonzales-Gee,

Heggarty, Lenthall, Patterson, Peirce, Vice

Chairperson O'Malley

NOES: None

ABSENT: Directors Bianchi, Chairperson Ovitt

RESOLUTION NO. 2005-1, resolution of the Air Pollution Control Board declaring April 23, 2005 to be Earth Day in San Luis Obispo County, adopted.

Director Ewan: reads the resolution and presents the same to Ms. Sandra Marshall, who thanks the Board for the recognition and comments on the events that will occur.

2 A-2 Thereafter, on motion of Director Achadjian, seconded by Director Ewan and on the following roll call vote:

AYES: Directors Achadjian, Ewan, Costello, Ekbom, Gonzales-Gee,

Heggarty, Lenthall, Patterson, Peirce, Vice

Chairperson O'Malley

NOES: None

ABSENT: Directors Bianchi, Chairperson Ovitt

RESOLUTION NO. 2005-2, resolution of the Air Pollution Control Board proclaiming May 2005 as Bike Month and May 23 to May 27, 2005 as Bike to Work Week throughout San Luis Obispo County, adopted.

Director Patterson: reads the resolution and presents the same to Ms. Diane Foresman, Ride Share and Mr. Adam Fukushima, SLO County Bicycle Coalition.

Ms. Foresman: thanks the District for the recognition and support over the years.

Mr. Fukushima: thanks the Board, on behalf of the Coalition, for this recognition.

3 A-3 Thereafter, on motion of Director Achadjian, seconded by Director Ewan and on the following roll call vote:

AYES: Directors Achadjian, Ewan, Costello, Ekbom, Gonzales-Gee,

Heggarty, Lenthall, Patterson, Peirce, Vice

Chairperson O'Malley

NOES: None

ABSENT: Directors Bianchi, Chairperson Ovitt

RESOLUTION NO. 2005-3, resolution of the Air Pollution Control Board declaring May, 2005 to be Clean Air Month in San Luis Obispo County, adopted.

Director Costello: reads the resolution and presents the same to Ms. Corrine Bingham, American Lung Association, who thanks the Board and District for the recognition.

4 B-1 This is the time set for members of the public wishing to address the Board on items set thru on the Consent Agenda.

B-3

Vice Chairperson O'Malley: opens the floor to the public without response.

Thereafter, on motion of Director Ewan, seconded by Director Heggarty and on the following roll call vote:

AYES: Directors Ewan, Heggarty, Achadjian, Costello, Ekbom,

Gonzales-Gee, Lenthall, Patterson, Peirce, Vice

Chairperson O'Malley

NOES: None

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ABSENT: Directors Bianchi, Chairperson Ovitt

Consent Agenda Items B-1 through B-3 are approved as recommended by the Air Pollution Control Officer.

Consent Agenda Items B-1 through B-3 are on file in the Office of the County Clerk-Recorder and are available for public inspection.

- B-1 Minutes of January 26, 2005 Meeting, Approved.
- B-2 District Financial Report: with 66% of the Fiscal Year elapsed the District has expended 65% of its appropriations and accrued 60% of anticipated revenue, **Received and Filed.**
- B-3 Request to appropriate \$61,700 in unanticipated revenue to the District's operating budget to restore depleted operational funds and to allow important deferred purchases to move forward, **Approved.**
- PC This is the time set for members of the public wishing to address the Board on items not set on the Agenda.

Vice Chairperson O'Malley: opens the floor to public comment without response.

6 AP This is the time set for the Air Pollution Control Officer's (APCO) Report.

Mr. Larry Allen: APCO, updates the Board on the 2005-2006 budget, what will be included and when the hearings will be held; comments on the Particulate Matter (PM) Plan Workshop that was held and the discussions that were included; addresses upcoming PM workshops; updates the Board on the 2050 Workshops that were done with Caltrans and at the last meeting the audience was polled to see what they would like included in the next workshops and highlights what came out of that poll. **No action taken.**

C-1 This is the time set for hearing to consider amendments to District Rule 201, Equipment Not Requiring a Permit, and Repealing Rule 220, Portable Equipment Registration.

Mr. Gary Willey: APCD staff, presents the staff report and recommendation.

No one appearing and thereafter, on motion of Director Patterson, seconded by Director Lenthall and on the following roll call vote:

AYES: Directors Patterson, Lenthall, Achadjian, Costello, Ekbom,

Ewan, Gonzales-Gee, Heggarty, Peirce, Vice

Chairperson O'Malley

NOES: None

ABSENT: Directors Bianchi, Chairperson Ovitt

RESOLUTION NO. 2005-4, resolution of the Air Pollution Control Board amending the Rules and Regulations of the San Luis Obispo County Air Pollution Control District by revising Rule 201, <u>Equipment No Requiring a Permit</u> and Repealing Rule

D-1 This is the time set for a report on a recently adopted State Airborne Toxic Control Measure for Diesel Engines rated at 50 horsepower or greater.

Mr. Gary Willey: APCD staff, presents the staff report addressing the changes needed to bring these engines into compliance with the EPA requirements; comments on current exemptions for Agricultural engines; what the District will do to implement the new regulations.

Board Members: address various issues, comments and concerns regarding: the number of engines that produce more than 50 tons per year; making sure this information gets out to the public ahead of time; questions why there is no paper trail for these engines now by the State; whether there will be a need for more staff to enforce these changes; the possibility of requiring State staff to train for a month at the local level before they can be State certified, with Mr. Larry Allen, APCO and Mr. Willey responding.

Ms. Marilee Hyman: League of Women Voters, questions what the money received from these regulations will be used for; what the cost of non-compliance will be; and, what the benefits of registering will be, with Mr. Allen and Mr. Willey responding.

Matter is discussed and thereafter, on motion of Director Peirce, seconded by Director Costello, with Director Bianchi and Chairperson Ovitt being absent, motion carries and the Board receives and files the staff report dated March 23, 2005.

D-2 This is the time set to consider the request to raise the Department of Motor Vehicles (DMV) surcharge from \$4 to \$6, as authorized in Assembly Bill 923, to augment the Carl Moyer Program.

Ms. Aeron Arlin Genet: APCD staff, presents the staff report addressing the passage of AB 923 that allows for the increase in the DMV fees and outlines what these fees could be used for; outlines the staff recommendation.

Board Members: address various issues, comments and concerns regarding: why diesel vehicles are not being required to be smogged; whether there are guarantees that the money collected here will be used here in the County; where the money is used that is collected for Carl Moyer, with Ms. Arlin Genet and Mr. Larry Allen, APCO, responding.

Ms. Diana Larsen: Deputy Superintendent for Lucia Mar School District, speaks to the pollution from school buses; that school districts are exempt from paying this licensing fee; urges support for this increase as schools will benefit and they will be able to replace their buses.

Mr. Jon Van Bogart: Delta Liquid Energy, presents a letter for the record and speaks in support of the increase; supports the use of alternative fuels and the reduction of petroleum uses.

Ms. Joy Fitzhugh: Farm Bureau, presents a letter for the record and speaks to the Agricultural community's support for this increase.

A motion by Director Heggarty to increase this fee by \$1 and direct staff to report back in six months as to the correlation between diesel and gas, dies for lack of a second.

Matter is fully discussed and thereafter, on motion of Director Ewan, seconded by Director Gonzales-Gee and on the following roll call vote:

AYES: Directors Ewan, Gonzales-Gee, Achadjian, Costello, Ekbom,

Lenthall, Patterson, Peirce, Vice Chairperson

O'Malley

NOES: Director Heggarty

ABSENT: Directors Bianchi, Chairperson Ovitt

RESOLUTION NO. 2005-5, resolution of the Air Pollution Control Board to increase Department of Motor Vehicle surcharge for Mobile Source Emission Reduction Incentive Programs, adopted.

10 E-1 This is the time set for consideration of the Gasoline Dispensing Vapor Recovery Program.

Director Achadjian: questions whether he has a conflict in sitting for this item with Mr. Ray Biering, Deputy County Counsel, indicating he doesn't as this isn't an action item.

(DIRECTOR JAMES HEGGARTY IS NOW ABSENT.)

Mr. Brian Aunger: APCD staff, presents the staff report; addresses the objectives of the program; outlines the permit process for this and the deadlines for implementation they are proposing.

No one appearing and thereafter, on motion of Director Costello, seconded by Director Peirce, with Directors Bianchi, Heggarty and Chairperson Ovitt being absent, motion carries and the Board receives and files the staff report dated March 23, 2005.

DC This is the time set for Board members to make comments.

Vice Chairperson O'Malley: opens the floor to comments without response.

On motion duly made and unanimously carried, the Air Pollution Control District Board of the County of San Luis Obispo does now adjourn.

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